

Attorney Docket No. 9052-268
In re: Morgan et al.
Application No.: 10/542,115
Filing Date: July 12, 2005

REMARKS

Claims 1, 3–6, 8 and 10–21 are currently pending in this application. Applicants appreciate the thorough examination of the present application as evidenced by the Final Action mailed March 13, 2009. In response to the Final Action, Applicants submit the present amendment. Applicants believe that the present amendment raises no new issues, and respectfully request entry of the amendment presented herein and further consideration of the present application in view of this amendment and the remarks provided below.

Support for Claim Amendments

The amendments presented herein have been made to recite particular aspects of the invention so as to expedite the prosecution of the present application to allowance in accordance with the USPTO Patent Business Goals (65 Fed. Reg. 54603, September 8, 2000). These amendments do not represent an acquiescence or agreement with any of the outstanding rejections.

Claim 1 is amended herein for clarity and to more particularly point out what Applicants regard as the invention, incorporating all the elements and recitations of Claim 17, Claim 17 is canceled herein in view of the amendment to Claim 1, and Claim 21 is amended herein to provide proper antecedence to that which is claimed. Support for these amendments can be found in the specification as originally filed. The points raised by the Examiner are addressed hereinbelow in the order in which they are raised in the Action.

Claim Objections

Claim 1 is objected to for various informalities. Applicants amend Claim 1 herein for clarity, as suggested by the Examiner, to more particularly point out that it is the film that has a fat content. Additionally, lines 6–10 of Claim 1 are amended herein to more clearly define the collagen content of the claimed film. As amended herein, Claim 1 defines the collagen content as

consisting essentially of sow collagen, wherein the total non-porcine collagen content is less than 10% of total collagen content, and wherein the total non-sow porcine collagen content is less than 10% of total porcine collagen content in the film. In view of the foregoing, Applicants believe that they have addressed the objections of the Examiner. However, should the Examiner continue to have any further issues or concerns, Applicants respectfully solicit the Examiner for suggestions as to the resolution of this matter.

Claim Rejections – 35 U.S.C. § 103

Claims 1, 3–6, 8, and 10–21 remain rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Application Publication No. 2005/0031741 A1 (hereinafter, “Morgan et al.”) in view of U.S. Patent No. 6,482,240 (hereinafter, “Eckmayer et al.”). The reasons for maintaining this rejection are set forth by the Examiner in the Final Action. Applicants respectfully traverse this rejection as follows.

Applicants reiterate that one of skill in the art in the field of the invention considers the terms “film” and “casing” have exclusive and separate meanings. The Examiner has not provided support for the broad and conclusory allegation that one of skill in the art in the field of the invention would appreciate that a film or a casing are merely different physical forms of an extruded collagen membrane. By the admission of the Examiner in a previous Action, the disclosures of Morgan et al. do not explicitly teach the collagen casing can be in another form besides a tube. As such, Applicants continue to submit that Morgan et al. do not disclose a porcine collagen **film**.

The disclosures of Eckmayer et al. discuss collagen membranes (films) formed from porcine rinds (i.e., pig skins), particularly for wrapping food products (abstract). However, Eckmayer et al. are silent in regard to preparing a collagen film that has a collagen content that consists essentially of sow collagen as instantly claimed. Furthermore, as one of skill in the art will appreciate, due to the different characteristics of a casing as compared to a film, it is not appropriate to consider the combination of the disclosures of Eckmayer et al., directed toward a film/membrane, with the disclosures of Morgan et al., directed toward a casing. In that Morgan et

al. do not disclose a collagen film and the lack of clear motivation or suggestion for one of ordinary skill in the art to combine disclosures of Eckmayer et al. with those of Morgan et al., Applicants submit that the Examiner continues to fail to have established a *prim facie* case of obviousness.

Nonetheless, Applicants amend Claim 1 to incorporate the recitations of Claim 17 to more particularly point out that the film of the invention must have a wet tear strength in the extrusion direction (machine direction, MD) of greater than 300 gf/mm. By the admission of the Examiner, neither Morgan et al. nor Eckmayer et al. disclose this limitation. The characteristics of the film as instantly claimed as shown in Table 1 of the specification clearly shows an unexpected technical effect in which the film of the invention, with a ratio of collagen to fat being at least 2.1 to 1 and prepared from collagen consisting essentially of sow collagen, provides superior characteristics compared to those of Eckmayer et al. As regards the disclosures of Morgan et al., Applicants reiterate that Morgan et al. disclose a casing, which is not comparable with the film of the present invention.

In view of the foregoing, Applicants submit that the instant claims are directed to nonobvious subject matter, and respectfully request that the instant rejection be withdrawn.

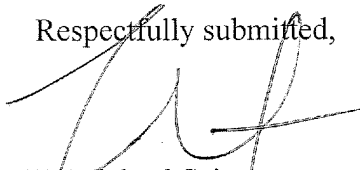
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CONCLUSION

Applicants believe that the points and concerns raised by the Examiner in the Action have been addressed in full, it is respectfully submitted that this application is in condition for allowance, which action is earnestly solicited. Should the Examiner have any remaining concerns, it is respectfully requested that the Examiner contact the undersigned Attorney at (919) 854-1400 to expedite the prosecution of this application to allowance.

No fee is believed due with the filing of this paper. However, the Commissioner is hereby authorized to charge any deficiency or credit any refund to Deposit Account No. 50-0220.

Respectfully submitted,




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Betty-Lou Rosser